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10/521,652	01/14/2005	Jonathon Reo Campian	5772-000004/US/NP	2215
27572 7590 05/11/2009 HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
EXAMINER				
SELLS, JAMES D				
ART UNIT		PAPER NUMBER		
1791				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/521,652

## Applicant(s)

CAMPIAN, JONATHON REO

## Examiner

James Sells

## Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-12, 22-27, 32, 34-45 and 47-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12, 22-27, 32, 34-45 and 47-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2-12, 22-27, 32, 34-45 and 49-51 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 49-51, the phrase “to enable unobstructed lateral movement of the forming tool from the material-contacting area across the boundary” is deemed new matter. The current specification discloses the lower nest 200 with frame 202 which are configured to provide maximum support to the vacuum assembly 204 (see paragraph [0035]). The current specification also discloses the surface 206 of the frame 202 provides a rigid surface upon which forming operations may take place (see paragraph [0049]). However, there is no mention of how the forming tool (400 or 402) engages the metal sheet materials (A and B), the degree or amount of access of the forming tool (400 or 402) to the materials (A and B), or enabling unobstructed lateral movement of the forming tool (400 or 402) in the manner recited in applicant's claims. The drawings,

which show the forming tools (400 and 402) engaging the metal sheet materials (A and B), do not show how such tools are moved into engagement with the materials.

Claims 2-12, 22-27, 32 and 34-45 are rejected due to their dependency on claims 49-51.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 47-48 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawa (US Patent 5,228,190) in view of Veale (US Patent 5,375,951).

Regarding claim 52, Sawa discloses a method for forming a body panel by joining of a first metal panel to a second metal panel, the method comprising: locating a first metal panel (Wo) on an upper surface (5a) of a lower nest (5) such that a perimeter region on a first side of said first metal panel is supported on a generally flat material-contacting area of said frame; locating a second metal (Wi) panel on a second side of said first metal panel opposite said first side; and operating a tool (2) across the boundary of said upper surface to said material contacting area on said first metal panel to form and flange said first metal panel over an edge of said second metal panel. See Figs. 1 and 4.

However, Sawa does not disclose the interior region having an elongated channel and evacuating the elongated channel to immobilize the first metal panel in the manner claimed by the applicant. Regarding this difference, the applicant is directed to the reference of Veale.

Veale discloses a receiving bed for an automated milling machine. As shown in Figs. 3-4, nest or bed 11 includes vacuum channel 12, raised panel 13 and vacuum hole 14 connected via tube 15 to vacuum system 16. This system is designed to hold a variety of materials, such as metals, during a variety of "milling" or "routing" operations such as cutting, trimming or grinding. See col. 1, lines 8-13.

It would have been obvious to one having ordinary skill in the art to employ a vacuum channel system, as taught by Veale, in the method of Sawa in order to provide the predictable result of more accurately and precisely aligning and holding the workpieces during automated processing

Regarding claims 47-48, Sawa appears to align the first and second metal panels Wo and Wi in the manner claimed by the applicant. In addition, it would have been obvious to one having ordinary skill in the art to align such metal sheet materials prior to evacuating since the evacuating is intended to immobilize the materials.

### ***Response to Arguments***

5. Applicant's arguments filed 03/03/2009 have been fully considered but they are not persuasive.

Regarding claims 49-51, applicant argues Fig. 2 provides support for the claim limitation "to enable unobstructed lateral movement of the forming tool from the material-contacting area across the boundary". However, applicant's figure does not show how the forming tools are moved into engagement with the materials in a manner which enables unobstructed lateral movement in the manner claimed. Applicant further points out crowder assemblies 300, 300', 300", 300''' with fingers 302 which are movable away from surface area 206 so they will not interfere with the subsequent forming operation. However, these crowder assemblies with fingers are not recited in the claims and do not explicitly provide unobstructed lateral movement of the forming tool as claimed by the applicant. Therefore applicant's argument is not persuasive and the rejection is maintained.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claims 47-48 and 52, applicant argues the interconnected channels 12 disclosed by Veale do not form a sealed elongated channel in the manner claimed by the applicant. The examiner does not agree. Elements 12 of Veale are described as channels and are shown with elongated portions. See col. 3, lines 27-36 and Figs. 3-4 of Veale. Therefore the examiner believes this disclosure meets applicant's limitation and applicant's argument is not persuasive in this instance.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Telephone/Fax***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phil Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sells/  
Primary Examiner, Art Unit 1791